

# ANNUAL TOWN MEETING RESULTS

May 6, 2019

Town of Sheffield

Commonwealth of Massachusetts

The 286<sup>th</sup> Annual Town Meeting, held at the auditorium of the Mount Everett Regional High School, 491 Berkshire School Road in Sheffield was called to order at 7:05 PM. Moderator William F. Tighe proceeded with the Pledge of Allegiance, followed by introductions of Selectmen David A. Smith, Jr., Nadine A. Hawver and Rene C. Wood, Town Administrator Rhonda LaBombard, Town Counsel Timothy Zessin, of Kopelman and Paige, as well as, Finance Committee members, Colin Smith, David Macy, Julie Hannum, Emily Davis and Kenneth Smith. Moderator Tighe recognized Selectman David A. Smith, Jr., for his years of service. David will be stepping down as Selectman at the end of his term. Moderator Tighe then continued with procedures for the evening and instructions for voting.

On a motion by David A. Smith, Jr., seconded by Nadine A. Hawver to dispense with the Town Clerk's reading of the Warrant. *The motion passed.*

**ARTICLE 1:** On a motion by David A. Smith, Jr., seconded by Rene C. Wood, to amend the amount of the Highway Budget as shown on the Warrant to \$387,077 and to raise and appropriate \$3,213,192 for the purpose of funding those budgets listed in the Warrant, necessary to defray the expenses of the Town for fiscal Year 2020.

Moderator.....	\$ 200	Energy.....	\$125,500
Selectmen's Office.....	\$184,884	Board of Health.....	\$ 43,005
Board of Assessors.....	\$ 94,647	Visiting Nurse Association.....	\$ 4,000
Treasurer/Collector.....	\$123,800	Council on Aging.....	\$104,050
Town Clerk.....	\$ 65,623	Veterans Benefits.....	\$ 45,000
Elections & Registration.....	\$ 14,070	Library.....	\$180,600
Conservation Commission.....	\$ 2,480	Historical Commission.....	\$ 750
Planning Board.....	\$ 3,450	Memorial Day.....	\$ 1,200
Commission on Disabilities.....	\$ 300	American Legion.....	\$ 500
Zoning Board of Appeals.....	\$ 1,230	Care of Soldier's Graves.....	\$ 1,400
Town Buildings & Grounds.....	\$128,800	Ashley Falls Historic Dist. Comm.	\$ 50
Town Report & Communications	\$ 6,000	Agricultural Commission.....	\$ 1,000
Legal Services.....	\$ 25,000	Interest on Loans.....	\$ 1
Dispatch Services.....	\$ 10,592	Berkshire County Retirement.....	\$245,423
Police Department.....	\$480,928	Worker's Compensation.....	\$ 18,500
Fire Department.....	\$ 48,200	Insurance & Bonding.....	\$ 71,000
Inspectional Services.....	\$ 45,812	Group Health (32B) Insurance.....	\$446,000
Fire Hydrants.....	\$ 25,000	Employer Medicare.....	\$ 26,000
Animal Control.....	\$ 12,000	Financial Audit.....	\$ 15,000
Highway Department.....	\$387,077		
Snow Removal.....	\$224,120		

*The motion passed by majority vote.*

**ARTICLE 2:** On a motion by David Macy, seconded by Julie Hannum, to fix the compensation of the following elected officers of the Town for Fiscal Year 2020, as required by Chapter 41, Section 108 of the General Laws; Moderator, \$200, Selectmen, Chairman \$2,666; Selectmen, two members at \$2,308 each, Southern Berkshire Regional School District School Committee, 4 members at \$500 each. *The motion passed by majority vote.*

**ARTICLE 3:** On a motion by Colin Smith, seconded by Kenneth W. Smith, to amend the Regional Agreement Establishing the Southern Berkshire Regional School District as stated in the Warrant. *The motion passed by majority vote. (See attachment A)*

**ARTICLE 4:** On a motion by Rene C. Wood, seconded by David A. Smith, Jr. to amend the Southern Berkshire Regional School District Operating and Transportation Budget for Fiscal Year 2020 to \$6,878,750, and vote to raise and appropriate \$6,860,986 as in the motion to pay the Town's assessed share of that budget. *The motion passed by majority vote.*

**ARTICLE 5:** On a motion by Nadine A. Hawver, seconded by Rene C. Wood, to approve the Southern Berkshire Regional School District Roof and Boiler Debt for Fiscal Year 2020, and to raise and appropriate \$195,258 to pay the Town's assessed share of that budget. *The motion passed by majority vote.*

**ARTICLE 6:** On a motion by Rene C. Wood, seconded by David A. Smith, Jr., to approve the Southern Berkshire Regional School District Capital Budget for Fiscal Year 2020, and raise and appropriate \$186,175 to pay the Town's assessed share of that budget. After many comments, a vote was taken. Unable to determine the vote, which required a majority, Moderator William F. Tighe requested a hand count by the clerks. The final vote was yes: 136; No: 65. *The motion passed by a majority vote.*

**ARTICLE 7:** On a motion by David A. Smith, Jr., seconded by Rene C. Wood, to raise and appropriate \$13,600 to pay for vocational education tuition in Fiscal Year 2020. *The motion passed by a majority vote.*

**ARTICLE 8:** On a motion by Nadine A. Hawver, seconded by David A. Smith, Jr., to raise from Solid Waste Disposal Enterprise Fund Revenues \$126,600 for the disposal and management of solid waste and to authorize the Board of Selectmen to take any action to effectuate the purpose of this article, including but not limited to entering into agreements in excess of three years for such solid waste disposal and management. *The motion passed by majority vote.*

**ARTICLE 9:** On a motion by Rene C. Wood, seconded by Nadine A. Hawver, to accept funds being provided by the Commonwealth of Massachusetts under the provisions of Chapter 90 of the General Laws, to pay for such costs as allowed by appropriate legislation in connection with the maintenance, repair, and construction of Town ways and bridges. *The motion passed by majority vote.*

**ARTICLE 10:** On a motion by David A. Smith, Jr., seconded by Nadine A. Hawver, to authorize the appointment of members of the Board of Selectmen to any office or position under its supervision at no additional compensation in accordance with the provisions of Chapter 268A, Section 21A of the General Laws. *The motion passed by majority vote.*

**ARTICLE 11:** On a motion by Julie Hannum, seconded by David Macy, to authorize the Board of Health to employ any of its members as Title 5 and Perc Test Witnesses for Septic System Inspections, Sanitation Inspections under its supervision in accordance with G.L. c. 268A, Section 21A for Fiscal Year 2020 and to set the following salaries for those positions: \$40 per Title V Inspectors and \$30 per hour for Perc Tests in accordance with the provisions of GL C. 41, Section 4A. *The motion passed by majority vote.*

**ARTICLE 12:** On a motion by Nadine A. Hawver, seconded by Rene C. Wood, to authorize the Treasurer/Collector to sell, with the approval of the Board of Selectmen, any parcel or parcels of real estate which have been or may be acquired through the foreclosure of tax title. *The motion passed by majority vote.*

**ARTICLE 13:** On a motion by Rene C. Wood, seconded by Nadine A. Hawver, to transfer \$77,000 from Free Cash to provide for extraordinary or unforeseen expenditures under the provisions of chapter 40, Section 6 of the General Laws, known as the Reserve Fund. *The motion passed by majority vote.*

**ARTICLE 14:** On a motion by David A. Smith, Jr., seconded by Rene C. Wood, to transfer \$750 from Free Cash to the Emergency Response Fund. *The motion passed by majority vote.*

**ARTICLE 15:** On a motion by Nadine A. Hawver, seconded by David A. Smith, Jr., to raise and appropriate \$3,000 to compensate firefighters for training. *The motion passed by majority voter.*

**ARTICLE 16:** On a motion by Rene C. Wood, seconded by David A. Smith, Jr., to transfer \$49,800 from Free Cash to purchase and equip a Police Cruiser. *The motion passed by majority vote.*

**ARTICLE 17:** On a motion by David A. Smith, Jr., seconded by Nadine A. Hawver, to transfer \$25,000 from Free Cash to purchase information technology hardware, software, and services and to authorize the board of Selectmen to take any action to effectuate the purpose of this article, including but not limited to entering into agreement in excess of three years for such information technology services. *The motion passed by majority vote.*

**ARTICLE 18:** On a motion by Nadine A. Hawver, seconded by David A. Smith, Jr. to transfer from Free Cash \$50,000 for Town building repairs, improvements and furnishings to include but not be limited to the Town Hall, Library, Senior Center and Police Station. *The motion passed by majority vote.*

**ARTICLE 19:** On a motion by Rene A. Wood, seconded by Nadine A. Hawver, to approve this article as written in the Warrant.

Authorized Revolving Funds	Fiscal Year Expenditure Limit
Plumbing Inspector	\$25,000
Gas Inspector	\$20,000
Electrical Inspector	\$20,000
Fire Safety Inspector	\$20,000
Board of Health	\$25,000
Senior Transportation	\$15,000
Senior Center Programming	\$10,000
Tax Title Fees	\$10,000

*The motion passed by majority vote.*

**ARTICLE 20:** On a motion by David A. Smith, Jr., seconded by Nadine A. Hawver, to abolish the Fire Truck Stabilization Fund and establish a Vehicle Stabilization Fund and to transfer the balance of \$6,387.24 in the Fire Truck Stabilization Fund to the Vehicle Stabilization Fund. Discussion ensued. Voter, Jack McKelvey, made a motion to call the question, it was seconded. The motion to move the question which required 2/3 majority, passed, as called by the Moderator. *The Article, which required a 2/3 vote failed, as determined by the moderator.*

**ARTICLE 21:** On a motion by Nadine A. Hawver, seconded by David A. Smith, Jr., to postpone indefinitely this Article. Due to the failure of Article 20, a Vehicle Stabilization Fund was not established. Discussion ensued. On a motion made by Mark Bachetti, it was seconded, to amend Article 21 "to transfer from Free Cash \$100,000 to the Fire Truck Stabilization Fund." Discussion on how to proceed took place. The issue of amending an Article that had been passed over was in question. Town Counsel Timothy Zessin explained that the decision would be at the discretion of the moderator. Further discussion ensued. Nadine A. Hawver withdrew her motion to pass over. Mark Bachetti's amendment was restated. *The amendment passed by majority vote.*

**ARTICLE 22:** On a motion by Rene C. Wood, seconded by Nadine A. Hawver, to raise and appropriate \$5,000 for Unemployment Insurance and to transfer that amount into the Unemployment Trust Fund. *The motion passed by majority vote.*

**ARTICLE 23:** To see if the Town will vote to amend the Zoning By-Laws Table of Use Regulations and insert a new Zoning Bylaw section to locate and regulate adult use marijuana establishments as contained in the attachment to the warrant and as on file in the Office of the Town Clerk. *The motion which required a 2/3 vote passed, as determined by the Moderator. (See attachment B).*

**ARTICLE 24:** On a motion by David A. Smith, Jr., seconded by Rene C. Wood, to pass over the article. *The motion passed by majority vote.*

**ARTICLE 25:** On a motion by Nadine A. Hawver, seconded by Rene C. Wood, to accept Chapter 64L, Section 2(a) of the General Laws to impose a local meals excise tax at a rate of .75 percent (0.75%) on the sale of restaurant meals originating within the Town. *The motion passed by majority vote.*

**ARTICLE 26:** On a motion by Rene C. Wood, seconded by Nadine A. Hawver, to vote to accept chapter 64N, Section 3 of the General Laws to impose a local sales tax upon the sale or transfer of marijuana or marijuana products by a marijuana retailer operating within the Town to anyone other than a marijuana establishment at the rate of three percent (3%) of the total sales price received by the marijuana retailer as consideration for the sale of marijuana or marijuana products, and further that said tax shall take effect on the first day of the calendar quarter commencing at least thirty days after such vote at Town Meeting or any other date determined by the Commissioner of Revenue. *The motion by a majority vote.*

Moderator Tighe reminded voters that Monday, May 13<sup>th</sup> was the Annual Town Election. Polls will be open from 7:00AM-7:00PM at the Senior Center, 25 Cook Road. He then motioned to adjourn the meeting, it was seconded. *The motion to adjourn passed by majority vote. The meeting adjourned at 8:55PM.*

Respectfully submitted,

Felecie Joyce  
Town Clerk, CMMC